



General Assembly

Substitute Bill No. 1226

January Session, 2023



AN ACT CONCERNING STATE VOTING RIGHTS IN RECOGNITION OF JOHN R. LEWIS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2023*) (a) As used in this section
2 and sections 2 to 9, inclusive, of this act:

3 (1) "Alternative method of election" means a method of electing
4 candidates to the legislative body of a municipality other than an at-
5 large method of election or a district-based method of election, and
6 includes, but is not limited to, proportional ranked-choice voting,
7 cumulative voting and limited voting;

8 (2) (A) "At-large method of election" means a method of electing
9 candidates to the legislative body of a municipality in which such
10 candidates are voted upon by all electors of such municipality;

11 (B) "At-large method of election" does not include any alternative
12 method of election;

13 (3) "District-based method of election" means a method of electing
14 candidates to the legislative body of a municipality in which, for
15 municipalities divided into districts, a candidate for any such district is
16 required to reside in such district and candidates representing or
17 seeking to represent such district are voted upon by only the electors

18 of such district;

19 (4) "Federal Voting Rights Act" means the federal Voting Rights Act
20 of 1965, 52 USC 10301 et seq., as amended from time to time;

21 (5) "Government enforcement action" means any denial of
22 administrative or judicial preclearance by the state or federal
23 government, pending litigation filed by a state or federal entity, final
24 judgment or adjudication, consent decree or other similar formal
25 action;

26 (6) "Legislative body" means the board of aldermen, council, board
27 of burgesses, representative town meeting, board of education, district
28 committee, association committee or other similar body, as applicable,
29 of a municipality;

30 (7) "Municipality" or "municipal" means any town, city or borough,
31 whether consolidated or unconsolidated, any local or regional school
32 district, any district, as defined in section 7-324 of the general statutes,
33 or any other district authorized under the general statutes;

34 (8) "Organization" means a person other than an individual;

35 (9) "Protected class" means a class of citizens who are members of a
36 race, color or language minority group, as referenced in the federal
37 Voting Rights Act;

38 (10) "Racially polarized voting" means voting in which the
39 candidate or electoral choice preferred by protected class members
40 diverges from the candidate or electoral choice preferred by electors
41 who are not protected class members; and

42 (11) "Vote" or "voting" includes any action necessary to cast a ballot
43 and make such ballot effective in any election or primary, including,
44 but not limited to, admission as an elector, application for an absentee
45 ballot and any other action required by law as a prerequisite to casting
46 a ballot and having such ballot counted, canvassed or certified

47 properly and included in the appropriate totals of votes cast with
48 respect to candidates for election or nomination and to referendum
49 questions.

50 (b) In the construction of this section and sections 2 to 9, inclusive,
51 of this act, words and phrases that are not defined in subsection (a) of
52 this section, but that are used in the federal Voting Rights Act and
53 interpreted in relevant case law, including, but not limited to, "political
54 process" and "prerequisite to voting", shall be construed in a manner
55 consistent with such usage and interpretation.

56 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) (1) No qualification for
57 eligibility to be an elector in a municipality or other prerequisite to
58 voting may be imposed, no ordinance, regulation or other law
59 regarding the administration of elections may be enacted by a
60 municipality, and no standard, practice, procedure or policy may be
61 applied by a municipality, in a manner that results in an impairment of
62 the right to vote for any protected class member.

63 (2) It shall be a violation of subdivision (1) of this subsection for any
64 municipality to impose any qualification for eligibility to be an elector
65 or other prerequisite to voting, to enact any ordinance, regulation or
66 other law regarding the administration of elections or to apply any
67 standard, practice, procedure or policy that:

68 (A) Results or will result in a disparity among such municipality's
69 protected class members in electoral participation, access to voting
70 opportunities or ability to participate in the political process; or

71 (B) Based on the totality of the circumstances, results in an
72 impairment of the opportunity or ability of such municipality's
73 protected class members to participate in the political process and elect
74 candidates of their choice or otherwise influence the outcome of
75 elections.

76 (b) (1) No municipality shall employ any method of election for any
77 office of the municipality that has the effect, or is motivated in part by

78 the intent, of impairing the opportunity or ability of protected class
79 members to participate in the political process and elect candidates of
80 their choice or otherwise influence the outcome of municipal elections
81 as a result of diluting the vote of such protected class members.

82 (2) (A) The following shall constitute a violation of subdivision (1) of
83 this subsection:

84 (i) Any municipality that employs an at-large method of election
85 and in which (I) racially polarized voting by protected class members
86 occurs, or (II) based on the totality of the circumstances, the
87 opportunity or ability of protected class members to elect candidates of
88 their choice or otherwise influence the outcome of elections is
89 impaired; or

90 (ii) Any municipality that employs a district-based method of
91 election or an alternative method of election, in which the candidates
92 or electoral choices preferred by protected class members would
93 usually be defeated and in which (I) racially polarized voting by
94 protected class members occurs, or (II) based on the totality of the
95 circumstances, the ability of protected class members to participate in
96 the political process and elect candidates of their choice or otherwise
97 influence the outcome of elections is impaired.

98 (B) (i) In determining whether racially polarized voting by protected
99 class members in a municipality occurs or whether candidates or
100 electoral choices preferred by protected class members would usually
101 be defeated, the superior court for the judicial district of Hartford (I)
102 shall consider elections held prior to the filing of an action pursuant to
103 this section as more probative than elections conducted after such
104 filing, (II) shall consider evidence concerning elections for any
105 municipal office in such municipality as more probative than evidence
106 concerning elections for other offices, but may still afford probative
107 value to evidence concerning elections for such other offices, (III) shall
108 consider statistical evidence as more probative than nonstatistical
109 evidence, (IV) in the case of claims brought on behalf of two or more

110 protected classes that are politically cohesive in such municipality,
111 shall combine members of such protected classes to determine whether
112 voting by such combined protected class members is polarized from
113 other electors and shall not require evidence that voting by each such
114 protected class's members is separately polarized from such other
115 electors, and (V) shall not require evidence concerning the intent of
116 electors, elected officials or such municipality to discriminate against
117 protected class members.

118 (ii) Evidence concerning the causes of, or reasons for, the occurrence
119 of racially polarized voting shall not be deemed relevant to the
120 determination of whether racially polarized voting by protected class
121 members in a municipality occurs or whether candidates or electoral
122 choices preferred by protected class members would usually be
123 defeated.

124 (c) (1) In determining whether, based on the totality of the
125 circumstances, an impairment of the right to vote for any protected
126 class member, or of the opportunity or ability of protected class
127 members to participate in the political process and elect candidates of
128 their choice or otherwise influence the outcome of elections, has
129 occurred, the superior court for the judicial district of Hartford may
130 consider factors that include, but are not limited to: (A) The history of
131 discrimination in or affecting the municipality or state; (B) the extent to
132 which protected class members have been elected to office in the
133 municipality; (C) the use of any qualification for eligibility to be an
134 elector or other prerequisite to voting, any statute, ordinance,
135 regulation or other law regarding the administration of elections, or
136 any standard, practice, procedure or policy, by the municipality that
137 may enhance the dilutive effects of a method of election in such
138 municipality; (D) the extent of any history of unequal access on the
139 part of protected class members or candidates to election
140 administration or campaign finance processes that determine which
141 candidates will receive access to the ballot or financial or other support
142 in a given election for an office of the municipality; (E) the extent to

143 which protected class members in the municipality or state have
144 historically made expenditures, as defined in section 9-601b of the
145 general statutes, at lower rates than other individuals in such
146 municipality or state; (F) the extent to which protected class members
147 in the municipality or state vote at lower rates than other electors in
148 the municipality or state, as applicable; (G) the extent to which
149 protected class members in the municipality are disadvantaged, or
150 otherwise bear the effects of public or private discrimination, in areas
151 that may hinder their ability to participate effectively in the political
152 process, such as education, employment, health, criminal justice,
153 housing, transportation, land use or environmental protection; (H) the
154 extent to which protected class members in the municipality are
155 disadvantaged in other areas that may hinder their ability to
156 participate effectively in the political process; (I) the use of overt or
157 subtle racial appeals in political campaigns in the municipality or
158 surrounding the adoption or maintenance of a challenged practice; (J)
159 the extent to which candidates face hostility or barriers while
160 campaigning due to their membership in a protected class; (K) a
161 significant or recurring lack of responsiveness on the part of elected
162 officials of the municipality to the particularized needs of a community
163 or communities of protected class members, except that compliance
164 with a court order shall not be considered to be evidence of such
165 responsiveness; and (L) whether the particular method of election,
166 ordinance, regulation or other law regarding the administration of
167 elections, standard, practice, procedure or policy was designed to
168 advance, and does materially advance, a valid and substantiated state
169 interest.

170 (2) No particular combination or number of factors under
171 subdivision (1) of this subsection shall be required for the court to
172 determine the occurrence of an impairment under this subsection.

173 (d) Any individual aggrieved by a violation of this section, any
174 organization whose membership includes individuals aggrieved by
175 such a violation or the Secretary of the State may file an action alleging

176 a violation of this section in the superior court for the judicial district
177 of Hartford. Members of two or more protected classes that are
178 politically cohesive in a municipality may jointly file such an action in
179 such court.

180 (e) (1) Notwithstanding any provision of title 9 of the general
181 statutes and any special act, charter or home rule ordinance, whenever
182 the superior court for the judicial district of Hartford finds a violation
183 by a municipality of any provision of this section, such court shall
184 order appropriate remedies that are tailored to address such violation
185 in such municipality and to ensure protected class members have
186 equitable opportunities to fully participate in the political process and
187 that can be implemented in a manner that will not unduly disrupt the
188 administration of an ongoing or imminent election. Such court shall
189 take into account the ability of officials who administer elections in
190 such municipality to implement any change to voting for an ongoing
191 or imminent election in a manner that is orderly and fiscally sound,
192 and shall not order any remedy that contravenes the Constitution of
193 Connecticut. Appropriate remedies may include, but need not be
194 limited to: (A) A district-based method of election; (B) an alternative
195 method of election; (C) new or revised districting or redistricting plans;
196 (D) elimination of staggered elections so that all members of the
197 legislative body are elected at the same time; (E) reasonably increasing
198 the size of the legislative body; (F) additional voting days or hours; (G)
199 additional polling places; (H) additional means of voting, such as
200 voting by mail, or additional opportunities to return ballots; (I) holding
201 of special elections; (J) expanded opportunities for admission of
202 electors; (K) additional elector education; (L) the restoration or
203 addition of individuals to registry lists; or (M) retaining jurisdiction for
204 such period of time as the court may deem appropriate, during which
205 period no qualification for eligibility to be an elector or prerequisite to
206 voting, or standard, practice or procedure with respect to voting, that
207 is different from that which was in effect at the time an action under
208 subsection (d) of this section was commenced shall be enforced unless
209 the court finds that such qualification, prerequisite, standard, practice

210 or procedure does not have the purpose, and will not have the effect,
211 of impairing the right to vote on the basis of protected class
212 membership or in contravention of the guarantees with respect to such
213 right that are set forth in sections 1 to 9, inclusive, of this act, provided,
214 in any action brought pursuant to chapter 149 of the general statutes,
215 any remedy ordered shall be consistent with the provisions of said
216 chapter. Notwithstanding the provisions of subparagraph (M) of this
217 subdivision, any such finding by the court shall not be a bar to any
218 subsequent action to enjoin enforcement of such qualification,
219 prerequisite, standard, practice or procedure.

220 (2) Such court may only order a remedy if such remedy will not
221 impair the ability of protected class members to participate in the
222 political process and elect their preferred candidates or otherwise
223 influence the outcome of elections. Such court shall consider remedies
224 proposed by any parties to an action filed pursuant to subsection (d) of
225 this section and by other interested persons who are not such parties.
226 The court shall not give deference or priority to a remedy proposed by
227 a municipality simply because it has been proposed by such
228 municipality. The court shall have authority to order that a
229 municipality implement one or more remedies that may be
230 inconsistent with the provisions of state or municipal law, where such
231 inconsistent provisions would otherwise preclude the court from
232 ordering an appropriate remedy.

233 (f) (1) In the case of any proposal for a municipality to enact and
234 implement (A) a new method of election to replace such municipality's
235 at-large method of election with either a district-based method of
236 election or an alternative method of election, or (B) a new districting or
237 redistricting plan, the legislative body of such municipality shall act in
238 accordance with the provisions of subdivision (2) of this subsection if
239 any such proposal was made after the receipt of a notification letter
240 described in subsection (g) of this section or after the filing of a claim
241 pursuant to this section or the federal Voting Rights Act.

242 (2) (A) Prior to drawing a draft districting or redistricting plan or

243 plans, or transitioning to a proposed district-based method of election
244 or alternative method of election, the municipality shall hold at least
245 one public hearing at which members of the public may provide input
246 regarding such draft or proposal, including, if applicable, the
247 composition of districts. Notice of each such hearing shall be published
248 at least three weeks prior to the date of such hearing. In advance of
249 each such hearing, the municipality shall conduct outreach to members
250 of the public, including to language minority groups, to explain the
251 districting or redistricting process and to encourage such input.

252 (B) After all such draft districting or redistricting plans are drawn,
253 the municipality shall publish and make available for public
254 dissemination at least one such plan and include the potential
255 sequence of elections in the event the members of the legislative body
256 of such municipality would be elected for staggered terms under such
257 plan. The municipality shall hold at least one public hearing at which
258 members of the public may provide input regarding the content of
259 such plan or plans and, if applicable, such potential sequence of
260 elections. Such plan or plans shall be published at least three weeks
261 prior to consideration at each such hearing. If such plan or plans are
262 revised at or following any such hearing, the municipality shall
263 publish and make available for public dissemination such revised plan
264 or plans at least two weeks prior to any adoption of such revised plan
265 or plans.

266 (g) (1) Prior to filing an action against a municipality pursuant to
267 subsection (d) of this section, any party described in subsection (d) of
268 this section shall send by certified mail, return receipt requested, a
269 notification letter to the clerk of such municipality asserting that such
270 municipality may be in violation of the provisions of sections 1 to 9,
271 inclusive, of this act.

272 (2) (A) No such party may file an action pursuant to this section
273 earlier than fifty days after sending such notification letter to such
274 municipality.

275 (B) Prior to receiving a notification letter, or not later than fifty days
276 after any such notification letter is sent to a municipality, the
277 legislative body of such municipality may pass a resolution (i)
278 affirming such municipality's intention to enact and implement a
279 remedy for a potential violation of the provisions of sections 1 to 9,
280 inclusive, of this act, (ii) setting forth specific measures such
281 municipality will take to facilitate approval and implementation of
282 such a remedy, and (iii) providing a schedule for the enactment and
283 implementation of such a remedy. No party described in subsection
284 (d) of this section may file an action pursuant to this section earlier
285 than ninety days after passage of any such resolution by such
286 legislative body.

287 (C) If, under the laws of the state or under any charter or home rule
288 ordinance, the legislative body of a municipality lacks authority to
289 enact or implement a remedy identified in any such resolution within
290 ninety days after the passage of such resolution, or if such
291 municipality is a covered jurisdiction as described in section 5 of this
292 act, such legislative body may take the following measures upon such
293 passage:

294 (i) The municipality shall hold at least one public hearing on any
295 proposal to remedy any potential violation of the provisions of
296 sections 1 to 9, inclusive, of this act, at which members of the public
297 may provide input regarding any such proposed remedies. In advance
298 of each such hearing, the municipality shall conduct outreach to
299 members of the public, including to language minority groups, to
300 encourage such input.

301 (ii) The legislative body of such municipality may approve any such
302 proposed remedy that complies with the provisions of sections 1 to 9,
303 inclusive, of this act and submit such proposed remedy to the
304 Secretary of the State.

305 (iii) Notwithstanding any provision of title 9 of the general statutes
306 and any special act, charter or home rule ordinance, the Secretary of

307 the State shall, not later than ninety days after submission of such
308 proposed remedy by such municipality, approve or reject such
309 proposed remedy in accordance with the provisions of this clause. The
310 Secretary may require that such municipality or any other party
311 provide additional information related to the submission of such
312 proposed remedy. The Secretary may only approve such proposed
313 remedy if the Secretary concludes (I) such municipality may be in
314 violation of the provisions of sections 1 to 9, inclusive, of this act, (II)
315 the proposed remedy would address any such potential violation, (III)
316 the proposed remedy does not violate the Constitution of Connecticut
317 or any federal law, and (IV) the proposed remedy can be implemented
318 in a manner that will not unduly disrupt the administration of an
319 ongoing or imminent election.

320 (iv) Notwithstanding any provision of title 9 of the general statutes
321 and any special act, charter or home rule ordinance, if the Secretary of
322 the State approves the proposed remedy, such proposed remedy shall
323 be enacted and implemented immediately or, if immediate
324 implementation would unduly disrupt the administration of an
325 ongoing or imminent election, as soon as possible. If the municipality
326 is a covered jurisdiction as described in section 5 of this act, such
327 municipality shall not be required to obtain preclearance for such
328 proposed remedy. The decision of the Secretary to approve such
329 proposed remedy shall be final and shall not be subject to review in
330 any court or forum, except as provided in the Constitution of
331 Connecticut.

332 (v) If the Secretary of the State denies the proposed remedy, (I) such
333 proposed remedy shall not be enacted or implemented, (II) the
334 Secretary shall set forth the reasons for such denial, and (III) the
335 Secretary may recommend another remedy that the Secretary would
336 approve. The decision of the Secretary to deny such proposed remedy
337 shall be final and shall not be subject to review in any court or forum,
338 except as provided in the Constitution of Connecticut.

339 (vi) If the Secretary of the State does not approve or reject such

340 proposed remedy within ninety days after the submission of such
341 proposed remedy by the municipality, the proposed remedy shall not
342 be enacted or implemented. The decision of the Secretary to not
343 approve or to reject such proposed remedy shall be final and shall not
344 be subject to review in any court or forum, except as provided in the
345 Constitution of Connecticut.

346 (D) A municipality that has passed a resolution described in
347 subparagraph (B) of this subdivision may enter into an agreement with
348 any party who sent a notification letter described in subdivision (1) of
349 this subsection providing that such party shall not file an action
350 pursuant to this section earlier than ninety days after entering into
351 such agreement. If such party agrees to so enter into such an
352 agreement, such agreement shall require that the municipality either
353 enact and implement a remedy that complies with the provisions of
354 sections 1 to 9, inclusive, of this act or pass such a resolution and
355 submit such resolution to the Secretary of the State. If such party
356 declines to so enter into such an agreement, such party may file an
357 action pursuant to this section at any time.

358 (E) If, pursuant to the provisions of this subsection, a municipality
359 enacts or implements a remedy or the Secretary of the State approves a
360 proposed remedy, a party who sent a notification letter described in
361 subdivision (1) of this subsection may, not later than thirty days after
362 such enactment, implementation or approval, submit a claim for
363 reimbursement from such municipality for the costs associated with
364 producing and sending such notification letter. Such party shall submit
365 such claim in writing and substantiate such claim with financial
366 documentation, including a detailed invoice for any demography
367 services or analysis of voting patterns in such municipality. Upon
368 receipt of any such claim, such municipality may request additional
369 financial documentation if that which has been provided by such party
370 is insufficient to substantiate such costs. Such municipality shall
371 reimburse such party for reasonable costs claimed or for an amount to
372 which such party and such municipality agree, except that the

373 cumulative amount of any such reimbursements to all such parties
374 other than the Secretary of the State shall not exceed fifty thousand
375 dollars, adjusted in accordance with any change in the consumer price
376 index for all urban consumers as published by the United States
377 Department of Labor, Bureau of Labor Statistics. If any such party and
378 such municipality fail to agree to a reimbursement amount, either such
379 party or such municipality may file an action for a declaratory
380 judgment with the superior court for the judicial district of Hartford
381 for a clarification of rights.

382 (F) (i) Notwithstanding the provisions of this subsection, a party
383 described in subsection (d) of this section may seek preliminary relief
384 for a regular election held in a municipality by filing an action
385 pursuant to this section during the one hundred twenty days prior to
386 such regular election. Not later than the filing of such action, such
387 party shall send a notification letter described in subdivision (1) of this
388 subsection to such municipality. In the event any such action is
389 withdrawn or dismissed as being moot as a result of such
390 municipality's enactment or implementation of a remedy, or the
391 approval by the Secretary of the State of a proposed remedy, any such
392 party may only submit a claim for reimbursement in accordance with
393 the provisions of subparagraph (E) of this subdivision.

394 (ii) In the case of preliminary relief sought pursuant to
395 subparagraph (F)(i) of this subdivision by a party described in
396 subsection (d) of this section, the superior court for the judicial district
397 of Hartford shall grant such relief if such court determines that (I) such
398 party has shown a substantial likelihood of success on the merits, and
399 (II) it is possible to implement an appropriate remedy that would
400 resolve the violation alleged under this section prior to such election in
401 a manner that will not unduly disrupt such election.

402 Sec. 3. (NEW) (*Effective January 1, 2024*) (a) There is established in
403 the office of the Secretary of the State a state-wide database of
404 information necessary to assist the state and any municipality in (1)
405 evaluating whether and to what extent current laws and practices

406 related to election administration are consistent with the provisions of
407 sections 1 to 9, inclusive, of this act, (2) implementing best practices in
408 election administration to further the purposes of said sections, and (3)
409 investigating any potential infringement upon the right to vote.

410 (b) The Secretary of the State shall designate an employee of the
411 office of the Secretary of the State to serve as manager of the state-wide
412 database. Such employee shall possess an advanced degree from an
413 accredited college or university, or equivalent experience, and have
414 expertise in demography, statistical analysis and electoral systems.
415 Such employee shall be responsible for the operation of such state-
416 wide database and shall manage such staff as is necessary to
417 implement and maintain such state-wide database.

418 (c) The state-wide database shall maintain in electronic format the
419 following data and records, at a minimum, for no fewer than the prior
420 twelve years:

421 (1) Estimates of total population, voting age population and citizen
422 voting age population by race, color and language minority group,
423 broken down annually to the voting district level for each
424 municipality, based on information from the United States Census
425 Bureau, including from the American Community Survey, or
426 information of comparable quality collected by a similar governmental
427 agency, and accounting for population adjustments pursuant to section
428 9-169h of the general statutes, as applicable;

429 (2) Election results at the district level for each state-wide election
430 and each election in each municipality;

431 (3) Regularly updated registry lists, geocoded locations for each
432 elector and elector history files for each election in each municipality;

433 (4) Contemporaneous maps, descriptions of boundaries and other
434 similar items, which shall be provided as shapefiles or in a comparable
435 electronic format if an electronic format is available;

436 (5) Geocoded locations of polling places and absentee ballot drop
437 boxes for each election in each municipality, and a list or description of
438 the voting districts or geographic areas served by each such location;
439 and

440 (6) Any other information the Secretary of the State deems advisable
441 to maintain in furtherance of the purposes of sections 1 to 9, inclusive,
442 of this act.

443 (d) Except for any data, information or estimates that identify
444 individual electors, the data, information or estimates maintained in
445 the state-wide database shall be published on the Internet web site of
446 the office of the Secretary of the State and made publicly available in
447 electronic format at no cost.

448 (e) Any estimates prepared pursuant to this section, including
449 estimates of eligible electors, shall be prepared using the most
450 advanced, peer-reviewed and validated methodologies.

451 (f) At the time the Secretary of the State is prepared to commence
452 administration of the state-wide database established under this
453 section, the Secretary shall submit a report to the joint standing
454 committee of the General Assembly having cognizance of matters
455 relating to elections, in accordance with the provisions of section 11-4a
456 of the general statutes, certifying such fact. Not later than ninety days
457 after such certification, and at least annually thereafter, the Secretary
458 shall publish on the Internet web site of the office of the Secretary of
459 the State (1) a list of each municipality required under section 4 of this
460 act to provide assistance to members of language minority groups, and
461 (2) each language in which such municipalities are so required to
462 provide such assistance. The Secretary shall also distribute such
463 information to each municipality.

464 (g) Upon the certification of election results and the completion of
465 the elector history file after each election, the officials responsible for
466 administering elections in each municipality shall transmit to the

467 Secretary of the State, in electronic format, copies of (1) such election
468 results at the voting district level, (2) updated registry lists, (3) elector
469 history files, (4) maps, descriptions of boundaries and other similar
470 items, and (5) lists of polling place and absentee ballot drop box
471 locations and lists or descriptions of the voting districts or geographic
472 areas served by such locations.

473 (h) At least annually or upon the request by the Secretary of the
474 State, the Criminal Justice Information Systems Governing Board
475 established under section 54-142q of the general statutes, or any other
476 state entity identified by the Secretary as possessing data, statistics or
477 other information that the office of the Secretary of the State requires to
478 carry out its duties and responsibilities under title 9 of the general
479 statutes, shall provide to the Secretary such data, statistics or
480 information.

481 (i) The office of the Secretary of the State may provide nonpartisan
482 technical assistance to municipalities, researchers and members of the
483 public seeking to use the resources of the state-wide database.

484 (j) In each action filed pursuant to section 2 of this act, there shall be
485 a rebuttable presumption that the data, estimates or other information
486 maintained in the state-wide database is valid.

487 Sec. 4. (NEW) (*Effective January 1, 2024*) (a) The Secretary of the State
488 shall designate one or more languages, other than English, for which
489 assistance in voting and elections shall be provided in a municipality if
490 the Secretary finds that a significant and substantial need exists for
491 such assistance.

492 (b) (1) The Secretary of the State shall find that such significant and
493 substantial need exists if, based on the best available data, which may
494 include information from the United States Census Bureau's American
495 Community Survey, or data of comparable quality collected by a
496 governmental entity:

497 (A) More than two per cent of the citizens of voting age of such

498 municipality, but in no instance fewer than one hundred such citizens,
499 speak a language other than English and are limited English proficient
500 individuals;

501 (B) More than four thousand of the citizens of voting age of such
502 municipality speak a language other than English and are limited
503 English proficient individuals; or

504 (C) In the case of a municipality that contains any part of a Native
505 American reservation, more than two per cent of the Native American
506 citizens of voting age within such Native American reservation are
507 proficient in a language other than English and are limited English
508 proficient individuals. As used in this subdivision, "Native American"
509 includes any person recognized by the United States Census Bureau,
510 or this state, as "American Indian".

511 (2) As used in this section, "limited English proficient individual"
512 means an individual who does not speak English as such individual's
513 primary language and who speaks, reads or understands the English
514 language less than "very well", in accordance with United States
515 Census Bureau data or data of comparable quality collected by a
516 governmental entity.

517 (c) Not later than January 15, 2024, and at least annually thereafter,
518 the Secretary of the State shall publish on the Internet web site of the
519 office of the Secretary of the State a list of (1) each municipality in
520 which assistance in voting and elections in a language other than
521 English shall be provided, and (2) each such language in which such
522 assistance shall be provided in each such municipality. The Secretary's
523 determinations under this section shall be effective upon such
524 publication and shall not be subject to review in any court or forum,
525 except as provided in the Constitution of Connecticut. The Secretary
526 shall distribute to each affected municipality the information contained
527 in such list.

528 (d) Each municipality described in subsection (c) of this section shall

529 provide assistance in voting and elections, including related materials,
530 in any language designated by the Secretary of the State under
531 subsection (a) of this section to electors in such municipality who are
532 limited English proficient individuals.

533 (e) Whenever the Secretary of the State determines, pursuant to this
534 section, that language assistance shall be provided in a municipality,
535 such municipality shall provide competent assistance in each
536 designated language and shall provide related materials (1) in English,
537 and (2) in each designated language, including registration or voting
538 notices, forms, instructions, assistance, ballots or other materials or
539 information relating to the electoral process, except that in the case of a
540 language that is oral or unwritten, including historically unwritten as
541 may be the case for some Native Americans, such municipality may
542 provide only oral instructions, assistance or other information relating
543 to the electoral process in such language. All materials provided in a
544 designated language shall be of an equal quality to the corresponding
545 English materials. All provided translations shall convey the intent and
546 essential meaning of the original text or communication and shall not
547 rely solely on any automatic translation service. Whenever available,
548 language assistance shall also include live translation.

549 (f) The Secretary of the State shall adopt regulations, in accordance
550 with the provisions of chapter 54 of the general statutes, to establish a
551 review process under which the Secretary shall determine whether a
552 significant and substantial need exists in a municipality for a language
553 to be designated for the provision of assistance in voting and elections.
554 Such process shall include, at a minimum, (1) an opportunity for any
555 elector, organization whose membership includes or is likely to
556 include electors, organization whose mission would be frustrated by a
557 municipality's failure to provide such language assistance or
558 organization that would expend resources in order to fulfill such
559 organization's mission as a result of such a failure, to request that the
560 Secretary consider so designating a language in a municipality, (2) an
561 opportunity for public comment, and (3) that, upon receipt of any such

562 request and consideration of any such public comment, the Secretary
563 may, in accordance with the process for making such determination, so
564 designate any language in a municipality.

565 (g) Any individual aggrieved by a violation of this section, any
566 organization whose membership includes individuals aggrieved by
567 such a violation or the Secretary of the State may file an action alleging
568 a violation of this section in the superior court for the judicial district
569 of Hartford.

570 Sec. 5. (NEW) (*Effective January 1, 2025*) (a) The enactment or
571 implementation of a covered policy, as described in subsection (b) of
572 this section, by a covered jurisdiction, as described in subsection (c) of
573 this section, shall be subject to preclearance, as described in
574 subsections (e) and (f) of this section, by the Secretary of the State or
575 the superior court for the judicial district of Hartford.

576 (b) A covered policy shall include any new or modified qualification
577 for admission as an elector, prerequisite to voting or ordinance,
578 regulation, standard, practice, procedure or policy concerning:

579 (1) Districting or redistricting, subject to the provisions of
580 subdivision (2) of subsection (c) of this section;

581 (2) Method of election;

582 (3) Form of government;

583 (4) Annexation, incorporation, dissolution, consolidation or division
584 of a municipality;

585 (5) Removal of individuals from registry lists or enrollment lists and
586 other activities concerning any such list;

587 (6) Hours of any polling place, or location or number of polling
588 places or absentee ballot drop boxes;

589 (7) Assignment of voting districts to polling place or absentee ballot

590 drop box locations;

591 (8) Assistance offered to protected class members; or

592 (9) Any additional subject matter the Secretary of the State may
593 identify for inclusion in this subsection, pursuant to a regulation
594 adopted by the Secretary in accordance with the provisions of chapter
595 54 of the general statutes, if the Secretary determines that any
596 qualification for admission as an elector, prerequisite to voting or
597 ordinance, regulation, standard, practice, procedure or policy
598 concerning such subject matter may have the effect of diminishing the
599 right to vote of any protected class member or have the effect of
600 violating the provisions of sections 1 to 9, inclusive, of this act. A
601 decision by the Secretary to so identify or to not so identify any
602 additional subject matter for inclusion in this subsection shall be final
603 and shall not be subject to review in any court or forum, except as
604 provided in the Constitution of Connecticut.

605 (c) (1) A covered jurisdiction includes:

606 (A) Any municipality that, within the prior twenty-five years, has
607 been subject to any court order or government enforcement action
608 based upon a finding of any violation of the provisions of sections 1 to
609 9, inclusive, of this act, the federal Voting Rights Act, any state or
610 federal civil rights law, the fifteenth amendment to the United States
611 Constitution or the fourteenth amendment to the United States
612 Constitution, which violation concerns the right to vote or a pattern,
613 practice or policy of discrimination against any protected class;

614 (B) Any municipality that, within the three immediately preceding
615 years, has failed to comply with such municipality's obligations to
616 provide data or information to the state-wide database pursuant to
617 section 3 of this act, except that inadvertent or unavoidable delays in
618 such compliance, if communicated to the Secretary of the State and
619 corrected within a reasonable time, shall not constitute such failure;

620 (C) Any municipality (i) that is not a school district, (ii) that contains

621 at least one thousand eligible electors of any protected class, or in
622 which members of any protected class constitute at least ten per cent of
623 the eligible elector population of such municipality, and (iii) in which,
624 during the prior ten years, based on data from criminal justice
625 information systems, as defined in section 54-142q of the general
626 statutes, the combined misdemeanor and felony arrest rate of any
627 protected class exceeds the combined misdemeanor and felony arrest
628 rate of the entire population of such municipality by at least twenty
629 per cent;

630 (D) Any municipality (i) that contains at least one thousand eligible
631 electors of any protected class, or in which members of any protected
632 class constitute at least ten per cent of the eligible elector population of
633 such municipality, and (ii) in which, during the prior ten years, the
634 percentage of electors of any such protected class in such municipality
635 that participated in any general election for any municipal office is at
636 least ten percentage points lower than the percentage of all electors in
637 the municipality that participated in such election; or

638 (E) Any municipality that, during the prior ten years, was found to
639 have enacted or implemented a covered policy without obtaining
640 preclearance for such covered policy pursuant to the process described
641 in subparagraph (G) of subdivision (2) of subsection (e) of this section.

642 (2) A municipality that is a covered jurisdiction under subdivision
643 (1) of this subsection shall be subject to preclearance for a covered
644 policy described in subdivision (1) of subsection (b) of this section if,
645 within the past twenty-five years, such municipality:

646 (A) Has been subject to three or more court orders or government
647 enforcement actions based upon a finding of any violation of the
648 provisions of sections 1 to 9, inclusive, of this act, the federal Voting
649 Rights Act, any state or federal civil rights law, the fifteenth
650 amendment to the United States Constitution or the fourteenth
651 amendment to the United States Constitution, which violation
652 concerns the right to vote or a pattern, practice or policy of

653 discrimination against any protected class; or

654 (B) Has been subject to any such court order or government
655 enforcement action that concerns districting or redistricting or method
656 of election.

657 (d) At least annually, the Secretary of the State shall determine
658 which municipalities are covered jurisdictions pursuant to subsection
659 (c) of this section and publish on the Internet web site of the office of
660 the Secretary of the State a list of such municipalities. A determination
661 of the Secretary as to coverage under this subsection shall be effective
662 upon such publication and may be appealed in accordance with the
663 provisions of chapter 54 of the general statutes, provided any such
664 appeal taken under section 4-183 of the general statutes shall be in the
665 superior court for the judicial district of Hartford. Any such appeal
666 shall be privileged with respect to assignment for trial.

667 (e) (1) If a covered jurisdiction seeks preclearance from the Secretary
668 of the State for the adoption or implementation of any covered policy,
669 such covered jurisdiction shall submit, in writing, such covered policy
670 to the Secretary and may obtain such preclearance in accordance with
671 the provisions of this subsection.

672 (2) When the Secretary of the State receives any such submission of
673 a covered policy:

674 (A) As soon as practicable but not later than ten days after such
675 receipt, the Secretary shall publish on the Internet web site of the office
676 of the Secretary of the State such submission of a covered policy.

677 (B) Members of the public shall have an opportunity to comment on
678 such published submission within the time period set forth in
679 subparagraph (I) of this subdivision. For the purposes of facilitating
680 public comment on any such submission, the Secretary shall allow
681 members of the public to sign up to receive notifications or alerts
682 regarding submissions of covered policies for preclearance.

683 (C) The Secretary shall review such submission and any public
684 comment thereon, and shall, within the time period set forth in
685 subparagraph (I) of this subdivision, provide a report and
686 determination as to whether preclearance of the covered policy should
687 be granted or denied. Such time period shall run concurrently with the
688 time period for public comment.

689 (D) The covered jurisdiction shall bear the burden of proof in any
690 determination as to preclearance of a covered policy. The Secretary
691 may request from a covered jurisdiction, at any time during the
692 Secretary's review, additional information for the purpose of
693 developing the Secretary's report and determination. Failure of such
694 covered jurisdiction to timely comply with reasonable requests for
695 such additional information may constitute grounds for the denial of
696 preclearance. The Secretary shall publish on the Internet web site of the
697 office of the Secretary of the State each such report and determination
698 upon completion thereof.

699 (E) In any such determination, the Secretary shall state in writing
700 whether the Secretary is approving or rejecting the covered policy,
701 provided the Secretary may designate preclearance as "preliminary"
702 and subsequently approve or deny final preclearance not later than
703 ninety days after receipt of submission of such covered policy.

704 (F) (i) The Secretary shall deny preclearance to a submitted covered
705 policy only if the Secretary determines that (I) such covered policy is
706 more likely than not to diminish the opportunity or ability of protected
707 class members to participate in the political process and elect
708 candidates of their choice or otherwise influence the outcome of
709 elections, or (II) such covered policy is more likely than not to violate
710 the provisions of sections 1 to 9, inclusive, of this act.

711 (ii) For any such denial, the Secretary shall interpose objections
712 explaining the Secretary's basis for such denial, and the covered policy
713 shall not be enacted or implemented.

714 (G) If the Secretary grants preclearance to a submitted covered
715 policy, the covered jurisdiction may immediately enact or implement
716 such covered policy. A determination by the Secretary to so grant
717 preclearance shall not be admissible in, or otherwise considered by, a
718 court in any subsequent action challenging such covered policy.

719 (H) If the Secretary fails to deny or grant preclearance to a
720 submitted covered policy within the time period set forth in
721 subparagraph (I) of this subdivision, such covered policy shall be
722 deemed precleared and the covered jurisdiction may enact or
723 implement such covered policy.

724 (I) The time periods for review by the Secretary of the State of any
725 submitted covered policy, for public comment and for any
726 determination of the Secretary to grant or deny preclearance to such
727 covered policy shall be as follows:

728 (i) For any covered policy concerning the location of polling places
729 or absentee ballot drop boxes, (I) the time period for public comment
730 shall be ten business days, and (II) the time period in which the
731 Secretary shall review the covered policy, including any public
732 comment thereon, and make a determination to grant or deny
733 preclearance to such covered policy, shall be not more than thirty days
734 after the receipt of the submission of such covered policy, except that
735 the Secretary may invoke an extension of not more than twenty days to
736 make any determination under subparagraph (I)(i)(II) of this
737 subdivision; and

738 (ii) For any other covered policy, (I) the time period for public
739 comment shall be ten business days, except that, for any covered
740 policy that concerns the implementation of a district-based method of
741 election or an alternative method of election, districting or redistricting
742 plans or a change to a municipality's form of government, such time
743 period shall be twenty business days, and (II) the time period in which
744 the Secretary shall review such other covered policy, including any
745 public comment thereon, and make a determination to grant or deny

746 preclearance to such other covered policy, shall be not more than
747 ninety days after the receipt of the submission of such other covered
748 policy, except that the Secretary may invoke up to two extensions of
749 not more than ninety days apiece to make any determination under
750 subparagraph (I)(ii)(II) of this subdivision.

751 (J) The Secretary of the State may adopt regulations, in accordance
752 with the provisions of chapter 54 of the general statutes, to establish an
753 expedited, emergency preclearance process under which the Secretary
754 may address covered policies that are submitted during or
755 immediately preceding an election as a result of any attack, disaster,
756 emergency or other exigent circumstance. Any preclearance granted
757 pursuant to the regulations adopted under this subparagraph shall be
758 designated "preliminary" and the Secretary may subsequently approve
759 or deny final preclearance not later than ninety days after receipt of
760 submission of such covered policy.

761 (K) Any denial of preclearance under this subdivision may be
762 appealed in accordance with the provisions of chapter 54 of the general
763 statutes, provided any such appeal taken under section 4-183 of the
764 general statutes shall be in the superior court for the judicial district of
765 Hartford. Any such appeal shall be privileged with respect to
766 assignment for trial.

767 (f) (1) If a covered jurisdiction seeks preclearance from the superior
768 court for the judicial district of Hartford for the adoption or
769 implementation of any covered policy, in lieu of seeking such
770 preclearance from the Secretary of the State pursuant to subsection (e)
771 of this section, such covered jurisdiction shall submit, in writing, such
772 covered policy to such court and may obtain such preclearance in
773 accordance with the provisions of this subsection, provided (A) such
774 covered jurisdiction shall also contemporaneously transmit to the
775 Secretary of the State a copy of such submission, and (B) failure to so
776 provide such copy shall result in an automatic denial of such
777 preclearance. Notwithstanding the transmission to the Secretary of a
778 copy of any such submission, the court shall exercise exclusive

779 jurisdiction over such submission. The covered jurisdiction shall bear
780 the burden of proof in the court's determination as to preclearance.

781 (2) The court shall grant or deny preclearance not later than ninety
782 days after the receipt of submission of a covered policy.

783 (3) The court shall deny preclearance to a submitted covered policy
784 only if such court determines that (A) such covered policy is more
785 likely than not to diminish the opportunity or ability of protected class
786 members to participate in the political process and elect candidates of
787 their choice or otherwise influence the outcome of elections, or (B) such
788 covered policy is more likely than not to violate the provisions of
789 sections 1 to 9, inclusive, of this act.

790 (4) If the court grants preclearance to such covered policy, the
791 covered jurisdiction may immediately enact or implement such
792 covered policy. A determination by the court to grant preclearance to a
793 covered policy shall not be admissible in, or otherwise considered by, a
794 court in any subsequent action challenging such covered policy.

795 (5) If the court denies preclearance to a covered policy, or fails to
796 make a determination within ninety days of receipt of submission of
797 such covered policy, such covered policy shall not be enacted or
798 implemented.

799 (6) Any denial of preclearance under this subsection may be
800 appealed in accordance with the ordinary rules of appellate procedure.
801 Any action brought pursuant to this subsection shall be privileged
802 with respect to assignment for trial or appeal, as applicable, including
803 expedited pretrial and other proceedings.

804 (g) If any covered jurisdiction enacts or implements any covered
805 policy without obtaining preclearance for such covered policy in
806 accordance with the provisions of this section, the Secretary of the
807 State or any party described in subsection (d) of section 2 of this act
808 may file an action in the superior court for the judicial district of
809 Hartford to enjoin such enactment or implementation and seek

810 sanctions against such covered jurisdiction for violations of this
811 section.

812 (h) The Secretary of the State may adopt regulations, in accordance
813 with the provisions of chapter 54 of the general statutes, to effectuate
814 the purposes of this section. Any estimates prepared for the purpose of
815 identifying covered jurisdictions under this section, including
816 estimates of eligible electors, shall be prepared using the most
817 advanced, peer-reviewed and validated methodologies.

818 Sec. 6. (NEW) (*Effective July 1, 2023*) (a) Notwithstanding the
819 provisions of chapter 151 of the general statutes, a person, whether
820 acting under color of law or otherwise, shall not engage in acts of
821 intimidation, deception or obstruction that interfere with any elector's
822 right to vote.

823 (b) A violation of subsection (a) of this section includes, but is not
824 limited to, the following:

825 (1) Any person who uses or threatens to use any force, violence,
826 restraint, abduction or duress, who inflicts or threatens to inflict any
827 injury, damage, harm or loss or who by any other conduct practices
828 intimidation that causes or will reasonably have the effect of causing
829 interference with any elector's right to vote;

830 (2) Any person who knowingly uses any deceptive or fraudulent
831 device, contrivance or communication that causes or will reasonably
832 have the effect of causing interference with any elector's right to vote;
833 or

834 (3) Any person who obstructs, impedes or otherwise interferes with
835 access to any polling place or absentee ballot drop box or any office or
836 place of business of an election official or who obstructs, impedes or
837 otherwise interferes with any elector or election official in a manner
838 that causes or will reasonably have the effect of causing interference
839 with any elector's right to vote or any delay in voting or the voting
840 process.

841 (c) (1) Any individual aggrieved by a violation of this section or any
842 organization whose membership includes individuals aggrieved by
843 such a violation may file an action alleging a violation of this section in
844 the superior court for the judicial district of Hartford. Such an action
845 may be filed irrespective of any action that may be filed by the State
846 Elections Enforcement Commission, the Attorney General or the State's
847 Attorney as a result of such a violation.

848 (2) In any action brought pursuant to subdivision (1) of this
849 subsection, the complainant shall file a certification attached to the
850 complaint indicating that (A) a copy of such complaint has been sent
851 by first-class mail or delivered to the State Elections Enforcement
852 Commission, or (B) a copy of such complaint will be so sent or
853 delivered not later than the following business day.

854 (d) (1) Notwithstanding any provision of title 9 of the general
855 statutes and any special act, charter or home rule ordinance, whenever
856 such court finds a violation of any provision of this section, such court
857 shall order appropriate remedies that are tailored to address such
858 violation, including, but not limited to, providing for additional time
859 to vote at an election, primary or referendum.

860 (2) Any person who violates the provisions of this section, or who
861 aids in the violation of any of such provisions, shall be liable for any
862 damages awarded by such court, including, but not limited to,
863 nominal damages for any such violation and compensatory or punitive
864 damages for any such wilful violation.

865 Sec. 7. (NEW) (*Effective July 1, 2023*) Any provision of the general
866 statutes, regulation adopted thereunder, special act, charter, home rule
867 ordinance or other state or municipal enactment relating to the right to
868 vote shall be construed liberally in favor of (1) protecting the right to
869 cast a ballot and make such ballot effective, (2) ensuring that qualified
870 individuals seeking to be admitted as electors are not impaired in
871 being so admitted, (3) ensuring electors are not impaired in voting,
872 including, but not limited to, having their votes counted, (4) making

873 the fundamental right to vote more accessible to qualified individuals,
 874 and (5) ensuring equitable access for protected class members to
 875 opportunities to be admitted as electors and to vote.

876 Sec. 8. (NEW) (*Effective July 1, 2023*) Nothing in the provisions of
 877 sections 1 to 7, inclusive, of this act shall be construed to affect the
 878 powers and duties of (1) the State Elections Enforcement Commission
 879 to attempt to secure voluntary compliance relating to any election,
 880 primary or referendum or pursue any other remedy authorized under
 881 sections 9-7a and 9-7b of the general statutes, or (2) the Commission on
 882 Human Rights and Opportunities, as provided in chapter 814c of the
 883 general statutes.

884 Sec. 9. (NEW) (*Effective July 1, 2023*) In any action to enforce the
 885 provisions of sections 1 to 7, inclusive, of this act, the court shall award
 886 reasonable attorneys' fees and litigation costs, including, but not
 887 limited to, expert witness fees and expenses, to the party that filed
 888 such action, other than the state or any municipality, and that
 889 prevailed in such action. The party that filed such action shall be
 890 deemed to have prevailed when, as a result of litigation, the party
 891 against whom such action was filed has yielded much or all of the
 892 relief sought in such action. In the case of a party against whom such
 893 action was filed and who prevailed in such action, the court shall not
 894 award such party any costs unless such court finds such action to be
 895 frivolous, unreasonable or without foundation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>January 1, 2024</i>	New section
Sec. 4	<i>January 1, 2024</i>	New section
Sec. 5	<i>January 1, 2025</i>	New section
Sec. 6	<i>July 1, 2023</i>	New section
Sec. 7	<i>July 1, 2023</i>	New section
Sec. 8	<i>July 1, 2023</i>	New section

Sec. 9	July 1, 2023	New section
--------	--------------	-------------

Statement of Legislative Commissioners:

In Section 1(a), "other electors" was changed to "electors who are not protected class members" in Subdiv. (10) for clarity, and reference to "special election" was deleted in Subdiv. (11) to eliminate redundant language; in Section (2)(e)(1), "need" was added before "not be limited to" for consistency with standard drafting conventions, and "which was" was added before "in effect" in Subpara. (M) for clarity; in Section 2(f)(2)(A), "district-based method of election or" was added for consistency; in Section 2(g)(2)(C)(i), "any such hearing" was changed to "each such hearing" for consistency; in Section 5(c)(1)(B), "provided" was changed to "except that" for clarity; in Section 5(e)(2), "of this subparagraph" was changed to "of this subdivision" in Subparas. (I)(i) and (I)(ii) for consistency with standard drafting conventions; and in Section 5(f)(5), "sixty" was changed to "ninety" for consistency.

GAE *Joint Favorable Subst.*